

EXHIBIT A

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA

3
4 DALE TIFFANY, INC., a California corporation,
5 Plaintiff,
6 vs.
7 MEYDA STAINED GLASS, LLC, a
8 New York limited liability company
9 doing business as MEYDA
10 LIGHTING; and DOES 1 through
11 50, inclusive
12 Defendants.

CASE NO. 2:17-CV-00536

13 **DECLARATION OF ROBERT COHEN IN SUPPORT OF DEFENDANT'S**
14 **MOTION TO DISMISS**

15 I, Robert Cohen, pursuant to 28 U.S.C. § 1746, declare as follows:

16 1. I am the President of 55 Oriskany Boulevard, Inc. d/b/a Meyda Lighting
17 ("55 Oriskany"). I have personal knowledge of the facts stated herein, and if called
18 upon to testify to those facts I could and would competently do so.

19 2. I make this Declaration in support of Defendant Meyda Stained Glass,
20 LLC ("Defendant Meyda")'s motion to dismiss for lack of personal jurisdiction
21 pursuant to FRCP 12(b)(2) and insufficient service of process under FRCP 12(b)(4)
22 and (5).

23 3. Defendant Meyda is a New York limited liability company. Defendant
24 Meyda is a dormant company which, while still registered as active with the New York
25 Secretary of State, conducts no business and has never sold, manufactured, or designed
26 any lighting products. Defendant Meyda does not and has never conducted business
27 under the name "Meyda Lighting."
28

1 4. 55 Oriskany is a Delaware corporation duly authorized to conduct
2 business in the State of New York. A copy of the Certificate of Incorporation is
3 attached hereto as **Exhibit A**.

4 5. 55 Oriskany conducts business under the assumed name of Meyda
5 Lighting. Pursuant to New York Business Corporation Law, 55 Oriskany filed a
6 "Doing Business As" certificate with the New York Secretary of State. A copy of said
7 certificate is attached hereto as **Exhibit "B"**.

8 6. 55 Oriskany manufactures and sells lighting and lighting products in its
9 Yorkville, New York headquarters. While the majority of its products are
10 manufactured at the Yorkville facility, there are other locations throughout the world
11 the products are manufactured. However, no products are manufactured in the State
12 of California.

13 7. Neither Defendant Meyda nor 55 Oriskany have a physical presence in
14 the State of California. Neither Defendant Meyda nor 55 Oriskany have any employees
15 who reside or do business in the State of California.

16 8. Neither Defendant Meyda nor 55 Oriskany are registered to do business
17 in California, nor do either maintain any bank accounts in California.

18 9. 55 Oriskany maintains a website at www.meyda.com. The website is a
19 passive website, i.e., it has no interactive features, and merely shows the products it
20 produces with related descriptions and skew numbers. No products can be purchased
21 directly from the website and the website does not have advertisements from other
22 companies. 55 Oriskany does not advertise or otherwise directly solicit business in
23 California.

24 10. Purchases of 55 Oriskany products can only be made in one (1) of the
25 following four (4) ways:

26 (a) wholesale sales to a reseller through a purchase order delivered by
27 the reseller to 55 Oriskany in New York with the product being shipped directly to the
28 reseller;

1 (b) retail sales to an individual or company physically coming to the
2 showroom in Yorkville, New York;

3 (c) special ordering of products by orders directly to 55 Oriskany; or

4 (d) sales to a reseller who then directs 55 Oriskany to drop ship
5 products to a third party.

6 11. 55 Oriskany fulfills orders received from wholesale resellers in
7 California, but does not specifically target any sales to California.

8 12. Neither Defendant Meyda nor 55 Oriskany, own, have any financial
9 interest in, or are affiliated with the website www.meydastore.com or the owners of
10 the domain name. The website even states prominently at the top "NOT
11 AFFILIATED WITH MEYDA TIFFANY."

12 13. I declare under penalty of perjury under the laws of the United States of
13 America that the foregoing is true and correct.

14
15 Executed on: June 15, 2017

16
17 By: 

18 Robert Cohen
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EXHIBIT "A"

STATE OF NEW YORK
DEPARTMENT OF STATE

I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.



WITNESS my hand and official seal of
the Department of State, at the City of
Albany, on March 10, 2011.

A handwritten signature in black ink, appearing to read "Daniel E. Shapiro".

Daniel E. Shapiro
First Deputy Secretary of State

020723000508

APPLICATION FOR AUTHORITY

55 ORISKANY BOULEVARD, INC.

Under Section 1304 of the Business Corporation Law

TO THE DEPARTMENT OF STATE OF THE STATE OF NEW YORK:

Application is hereby made by the Corporation above named, a foreign corporation, for authority to do business in the State of New York:

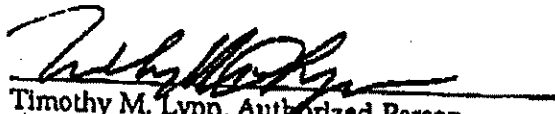
1. The name of the Corporation in the jurisdiction of its incorporation is 55 ORISKANY BOULEVARD, INC.
 2. The jurisdiction of its incorporation is the State of Delaware and the date of its incorporation is July 22, 2002 under the name of 185 Clear Road, Inc.
 3. The purpose of the Corporation is to engage in any lawful act or activity for which corporations may be organized under Article 13 of the Business Corporation Law, except that it is not formed to engage in any act or activity requiring the consent or approval of any state official, department, board, agency or other body without such consent or approval first being obtained. The aforesaid business is authorized in the jurisdiction of its incorporation.
 4. The office of the Corporation within the State of New York is to be located in the County of Oneida.
- /

5. The Secretary of State is designated as agent of the Corporation upon whom process against it may be served. The post office address to which the Secretary of State shall mail a copy of any process against the Corporation served upon him/her is: 55 Oriskany Boulevard, Yorkville, NY 13495.

6. The Corporation has not since its incorporation engaged in any activity in this State except as set forth in Section 1301(b) of the Business Corporation Law.

Annexed is a certificate by an authorized officer of the State of Delaware that the Corporation is an existing corporation.

IN WITNESS WHEREOF, this application has been subscribed this 22nd day of July, 2002 by the undersigned who affirms that the statements made herein are true under penalties of perjury.


Timothy M. Lynn, Authorized Person
Green & Seifter, Attorneys, PLLC
900 One Lincoln Center
Syracuse, NY 13202

LEC-227398.1

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TOTAL P.05

Delaware

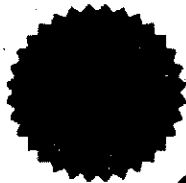
PAGE 1

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "55 ORISKANY BOULEVARD, INC." IS DULY INCORPORATED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL CORPORATE EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE TWENTY-THIRD DAY OF JULY, A.D. 2002.

AND I DO HEREBY FURTHER CERTIFY THAT THE SAID "55 ORISKANY BOULEVARD, INC." WAS INCORPORATED ON THE TWENTY-SECOND DAY OF JULY, A.D. 2002.

AND I DO HEREBY FURTHER CERTIFY THAT THE FRANCHISE TAXES HAVE NOT BEEN ASSESSED TO DATE.



Harriet Smith Windsor
Harriet Smith Windsor, Secretary of State

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020468160

AUTHENTICATION: 1897165

DATE: 07-23-02

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APPLICATION FOR AUTHORITY

OF

55 ORISKANY BOULEVARD, INC.

Under Section 1304 of the Business Corporation Law

FILED
2002 JUL 23 PM 1:26

**DRAWDOWN
ACR-41**

1 Plain Copy
STATE OF NEW YORK
DEPARTMENT OF STATE

**FILED BY:
GREEN & SEIFTER
ONE LINCOLN CENTER
SYRACUSE, NY 13202**

FILED JUL 23 2002
TAXS _____
BY: *[Signature]*
Onuda

RECEIVED
2002 JUL 23 PM 12:07

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EXHIBIT "B"

STATE OF NEW YORK
DEPARTMENT OF STATE

I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.



WITNESS my hand and official seal of
the Department of State, at the City of
Albany, on November 14, 2011.

A handwritten signature in black ink, appearing to read "Daniel E. Shapiro".

Daniel E. Shapiro
First Deputy Secretary of State

New York State
DEPARTMENT OF STATE
CORPORATIONS AND STATE RECORDS DIVISION
162 Washington Avenue
Albany, NY 12231

C328553

CORPORATION — CERTIFICATE OF ASSUMED NAME
(Pursuant to Section 130 General Business Law)

FEES: THE FILING FEE PAYABLE TO THE SECRETARY OF STATE IS \$25.00 PLUS A \$25.00 FEE FOR EACH COUNTY LISTED IN WHICH BUSINESS WILL BE TRANSACTED UNDER ASSUMED NAME.

1. Corporation name 55 Oriskany Boulevard, Inc.
2. Law corporation formed under: ☒ Business ☐ Not-for-Profit ☐ Education ☐ Insurance
- ☐ Other (Specify) _____
3. Assumed name Meyda Lighting

4. Principal place of business in 55 Oriskany Boulevard
No. and Street
New York State Yorkville NY 13495 Oneida
City State Zip Code County

☐ If none, check box and insert principal out-of-state address above.

5. Counties in which business will be conducted under assumed name.

☐ All counties

☒ If not all, circle which counties below

Albany	Chehang	Essex	Jefferson	New York City	<u>Oneida</u>	Putnam	Schuyler	Ulster
Allegany	Clinton	Franklin	Lewis	Bronx	Onondaga	Rensselaer	Seneca	Warren
Broome	Columbia	Fulton	Livingston	Kings	Ontario	Rockland	Steuben	Washington
Cattaraugus	Cortland	Genesee	Madison	New York	Orange	St. Lawrence	Suffolk	Wayne
Cayuga	Delaware	Greene	Monroe	Queens	Orleans	Saratoga	Sullivan	Westchester
Chautauque	Dutchess	Hamilton	Montgomery	Richmond	Oswego	Schenectady	Tioga	Wyoming
Chemung	Eric	<u>Herkimer</u>	Nassau	Niagara	Otsego	Schoharie	Tompkins	Yates

6. The addresses of each location within New York State where business is or will be conducted under assumed name — list on reverse side. If no business locations in New York State, check box ☒

Corporation officer signature Robert Cohen, President
Type name and office

ACKNOWLEDGMENT (Must be completed)

State of New York County of Oneida ss:
On Feb. 21 2003 before me personally came Robert Cohen
to me known, who being by me duly sworn, did depose and say that he is the President
of 55 Oriskany Boulevard, Inc. the corporation described in the foregoing certificate, and acknowledged
that he did execute the same by order of the Board of Directors of such corporation.

GREGORY J. AMOROSO
Notary Public, State of New York
No. 02AM5024237
Issued in Oneida County
My Commission Expires 3/1/04

Gregory J. Amoroso
Notary Public

Filer's name Gregory J. Amoroso, Esq.

For Department of State use only
Date filed _____

Filer's address 185 Genesee Street, Suite 1400
No. and Street

Utica
City

NY
State

13501-2194
Zip Code

Place or business locations:

55 Oriskany Boulevard

No. and Street

Yorkville

City

13495

Zip Code

NY

State

Oneida

County

Main Street

No. and Street

Old Forge

City

13420

Zip Code

NY

State

Herkimer

County

No. and Street

City

Zip Code

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No. and Street

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Use continuation sheet if necessary.

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NEW YORK
DEPARTMENT OF STATE
FILED MAR 12 2003

Amt of Charge \$ 85

Auth #

Filing Fee \$ 25

County Fee \$ 50

Copy Fee \$ 10

Refund \$

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By: ESM

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